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JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SACV 12-0927 DOC (JPRx)

Date: August 24, 2012

Title: DELEGATES TO THE REPUBLICAN NATIONAL CONVENTION, ET AL. -V-
REPUBLICAN NATIONAL COMMITTEE, ET AL.

PRESENT:

THE HONORABLE DAVID O. CARTER, JUDGE

Julie Barrera
Courtroom Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

None Present

None Present

**PROCEEDINGS: (IN CHAMBERS): ORDER DISMISSING CASE WITH
PREJUDICE AND DENYING
DEFENDANTS' MOTION AS MOOT**

This Court previously ordered Plaintiffs to show cause why this case should not be dismissed with prejudice for failure to comply with Federal Rule of Civil Procedure 8, failure to state a claim under Rule 12(b)(6), or for violation of a court order pursuant to Rule 41(b). *See* August 20, 2012, Order to Show Cause (Dkt. 46).

As the Court explained in that Order to Show Cause:

[T]he Court dismissed Plaintiffs' First Amended Complaint because the vast majority of the pleadings were unintelligible and Plaintiffs' sole intelligible allegations failed to state a claim. In Plaintiffs' Second Amended Complaint, they appear to have removed all factual pleadings and instead request an impermissible advisory opinion from this Court about the scope of the Voting Rights Act. *U.S. Nat. Bank of Oregon v. Indep. Ins. Agents of Am., Inc.*, 508 U.S. 439, 446 (1993) ("[A] federal court [lacks] the power to render advisory opinions.").

Plaintiffs' six-page Response to the Order to Show Cause fails to identify a single factual allegation in the Second Amended Complaint about a specific act done by a specific defendant to a specific plaintiff that gives rise to a Voting Rights Act violation,

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and this Court has found none. *See* Response (Dkt. 47). In addition, Plaintiffs cite no authority other than one case identified by this Court in its Order to Show Cause. *See id.*

Accordingly, this Court DISMISSES the Second Amended Complaint WITH PREJUDICE for failure to comply with Federal Rule of Civil Procedure 8, failure to state a claim under Rule 12(b)(6), and for violation of a court order pursuant to Rule 41(b). *See Hearns v. San Bernardino Police Dep’t*, 530 F.3d 1124, 1131 (9th Cir. 2008) (explaining that a complaint that is so confusing that its “true substance, if any, is well disguised” may be dismissed *sua sponte* for failure to satisfy Rule 8); *Omar v. Sea-Land Serv., Inc.*, 813 F.2d 986, 991 (9th Cir. 1987) (“A trial court may dismiss a claim *sua sponte* under Fed.R.Civ.P. 12(b)(6).”); *Nevijel v. N. Coast Life Ins. Co.*, 651 F.2d 671, 673 (9th Cir.1981) (“A complaint which fails to comply with [Rule 8] may be dismissed with prejudice[.]”).

In addition, on August 23, 2012, Defendants filed a Motion to Dismiss the Second Amended Complaint (Dkt. 48). The next day, Plaintiffs filed an Opposition (Dkt. 49). Because the Court dismisses with prejudice, the Court DENIES AS MOOT that Motion.

The Clerk shall serve a copy of this minute order on counsel for all parties in this action.

MINUTES FORM 11
CIVIL-GEN

Initials of Deputy Clerk: jcb